



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of

Tetsuya KANEMARU, et al

Group Art Unit: 1615

Serial No. 10/679,298

Examiner: Bethany Barham

Filed: October 7, 2003

For: Silicone-Treated Powder, Process of Production

Thereof and Composition Containing the Same

DECLARATION UNDER RULE 132

Honorable Commissioner of Patents and Trademarks

Washington, D.C. 20231

Sir:

I, Tetsuya KANEMARU, a citizen of Japan, residing at 2-2-1, Hayabuchi, Tsuzuki-ku, Yokohama-shi, Japan, respectively, sincerely and solemnly declare:

That I am by profession a research chemist and that I graduated from Tokyo University of Science, Faculty of Science and Technology, Department of Chemical Industries, on March, 1985 and graduated from Graduate

School of Tokyo University of Science, Department of Chemical Industries, on March, 1991. Since April, 1991, I have been employed by SHISEIDO COMPANY, LTD. and have been engaged in research, as a researcher, especially developments of surface-treated powder for cosmetics, in the Central Laboratory of SHISEIDO COMPANY, LTD.

THAT I am a joint inventor of the invention of the above-identified U.S. Patent Application (which is referred to as "the present invention" hereinbelow) and am, therefore, completely familiar with the present invention; and

THAT I have read and understand the Office Action dated October 31, 2007, with respect to the above-identified application.

1. In order to show the patentability of the present invention over the inventions set forth in the cited references, JP 09-26871, US 2002/014094 and JP08-092484, the following commercial success of the silicone-treated powder according to the present invention is presented.

2. The silicone-treated hydrophobic powders

according to the present invention were able to be produced at about one-third production cost of the similar powders of the prior art. Namely, the cost of the present powders is about 1000 yen, whereas the cost of the prior powders in the same assignee company is about 3000 yen.

3. For the above low production cost of the present silicone-treated hydrophobic powders, the present invention is used for the production of 17 starting powders in the assignee company and those powders were started to be formulated into the commercial products of the assignee company as from March, 2001 and now are used in 747 types of the commercial products on the market in the world including Japan and the United States of America.

#### CONCLUSION

As is clear from the above results in the commercial products of the silicone-treated powder according to the present invention I conclude that the commercial success of the silicone-treated powder according to the present invention is clear.

I, the undersigned declarant, declare further that all Statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and; further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001, of Title 18, of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 13th day of February , 2008

Tetsuya Kanemaru

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